

October 26, 2006

Jail Meeting

Minutes

Members present

Brady Wooten- Chairman

Allen Sneed- Vice- Chairman

Leon Casstevens- Commissioner

Kim Clark Phillips- Commissioner

D.C. Swaim- Commissioner

Jail Committee Members

Josh Collins, Pre-Trial Release Program

Robin Howell, Pre-Trial Release Program

District Attorney Tom E. Horner

Roy Douglas,-Vice President, Southern Community Bank

Major Danny Widener

Judge Jeannie Houston

Sheriff Cain

Others Present

Eric Williams-Interim County Manager

Melinda Vestal-Clerk to the Board

Sheriff Cain introduced Superior Court Judge John Craig.

Judge Craig stated the Grand Jury Report received in July was very critical of the Yadkin County jail. Judge Craig reviewed General Statute 153A regarding County Government confinement facilities adequacies and standards providing secure and safe facilities. A Superior Court Judge can issue a "RIT of Mandamus" to a Board of Commissioners who would have to show just cause why the facilities are not up to standards and if the Board of Commissioners refuse to act, then the Judge would order plans to be undertaken and the Board can be held in contempt of the of the court order and can be placed in jail until things are fixed. A Judge can order a new jail to be built and possibly assess fines to each Commissioner if proper steps are not taken. Judge Craig stated the Board needs to get the ball rolling to build

a new jail. Judge Craig reiterated that the Grand Jury report has caught his attention and this issue will not go unresolved.

Commissioner Phillips thanked Judge Craig for coming. She asked about the time line.

Judge Craig stated the ball needed to be rolling by mid-November to late December because if there is no show of affirmative action then a hearing would be scheduled in December. Judge Craig asked if the Board had taken any action toward building a new jail.

Commissioner Phillips stated no. She commented that some Board members wanted to put a bond out for a new jail.

Judge Craig stated this is not an issue for citizen action, but rather the burden is on the Board of Commissioners. Judge Craig commented that the Animal Shelter is nicer than the jail.

Commissioner Casstevens stated that the Grand Jury listed repairs for the old jail, can we not fix them.

Judge Craig stated that prison population is not equivalent for the jail. Judge Craig stated local jails hold persons until cases can be heard. He explained some differences between jail functions and prison functions.

Commissioner Sneed stated that the jail is not technologically safe for the staff or prisoners. He stated that the existing jail is too far gone to be remodeled.

Judge Craig stated that we have a beautiful county and his job is to make sure guidelines are being followed.

Eric Williams asked for clarification on exactly what action needed to be taken.

Chairman Wooten called the Board of Commissioners' meeting to order.

***Chairman Wooten made the following motion to direct Mr. Williams to have Arcadis to proceed immediately with acquiring bids on the West Yadkin to Lydall or Blue Rhino waterline (funding for this project will**

come from county cash, grants, loans or other sources), have Arcadis to proceed with acquiring bids on the sewer line from 77/421 to Hoots Road area (funding will come from county cash, grants, loans or other sources). The time line for bid opening will be 11-28-06, these bids to be awarded on 12-1-06 time of day to be determined. Advertising, pre-bid meeting, bid opening, bid awarding and other items. The time line for this total process will be 10-26-06 to 12-01-06. Chairman Wooten stated he understood that the process to obtain a loan could be lengthy and the above time line may not be achieved. Commissioner Casstevens seconded.

***Commissioner Phillips made the motion to table. Motion died lack of seconded.**

Commissioner Phillips discussed the costs to build a new jail. She stated the funding for these other projects have yet to be identified.

Chairman Wooten stated the funding would come from cash on hand.

Commissioner Swaim stated he spoke with the Finance Officer and was told it would jeopardize the County financially.

Commissioner Sneed stated the studies have been done for the area and it's the goal of the Board to proceed with water and sewer.

Commissioner Phillips agreed but stated the funding has not been identified. The County is going to have to build a jail and it cannot proceed with water and sewer and a jail at the same time.

Mr. Williams asked if the Jail Meeting could be concluded, then discuss the water/sewer issue.

Commissioner Phillips stated this is not a legal meeting of the Board of Commissioners and it's very inappropriate. ***Commissioner Phillips made a motion to table this issue. Commissioner Swaim seconded. The Board voted 2-3. Commissioners Casstevens, Wooten and Sneed opposed.**

Ms. Vestal was instructed to call Attorney Graham.

Sheriff Cain discussed the food service for the jail and the costs associated with providing the meals. Sheriff Cain stated that Aeromark Food Service has spoken with him about preparing the meals here for Yadkin, Davie and Wilkes County jail which would save the County a tremendous amount of money.

Steve Allen presented Phase II and III with a 62 bed facility including the Magistrates 'Office. Mr. Allen reviewed the layout of the proposed jail.

District Attorney, Tom Horner, questioned the number of beds.

Mr. Allen stated the number of beds was based on the current information – cannot predict without knowing impact of other factors.

Attorney Graham asked if he could rule on the recent motion made by Chairman Wooten; the motion was out order due to this not being a called Commissioners' meeting.

Chairman Wooten withdrew his motion.

Steve Allen reviewed the sites given at last meeting. He stated the sites should be at least four (4) acres so therefore three of the sites have been ruled out. He stated it would take approximately two years to build a jail at an estimated cost of \$7 million.

District Attorney Tom Horner stated the County should move forward with a new jail, but he is concerned with number of beds. He commented Superior Judge Craig was very “nice” in his presentation.

Chairman Wooten stated there are other facility needs in the County not just a jail. He feels the County is rushing. .

***Commissioner Phillips made the motion to proceed with construction of a new jail with at least 62 beds to accommodate both male and female inmates, and to include a Magistrate's Office using the recommendation by Steve Allen, Solutions for Local Government, also to proceed with property acquisitions, the jail is to be positioned on the property such that additional cells can be added, the Sheriff's department can be added and EMS can be added. Judge Jeanne Houston seconded. Committee voted unanimously.**

Commissioner Sneed stated that other jails have been toured and the county could get ideas from those jails to build a jail accommodating the needs of Yadkin County.

***Motion to adjourn was made and seconded. Vote was unanimous.**

Melinda Vestal, CMC
Clerk to the Board